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July 22, 2016

VIA FOIAonline

Regional Freedom of Information Officer
U.S. EPA, Region 3
1650 Arch Street (3CG00)
Philadelphia, PA 19103

Re: Freedom of Information Act Request – Records Relating to EPA’s Review of State Water Quality Standards and State-Issued NPDES Permits

Dear Sir or Madam:

I write to request that the United States Environmental Protection Agency (“EPA”) provide copies of the records described below pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and EPA regulations, 40 C.F.R. § 2.100 *et seq.*

Subject of Request. The subject of this request is records held by EPA Region 3 relating to its review and approval of state water quality standards that include copper criteria and state-issued NPDES permits that include copper limits based on water-effect ratio (“WER”) adjustments.

Records Requested. More specifically, I request copies the following public records related to the subject described above:

- Any letter to a state (or state agency or official) transmitting EPA’s decision under 33 U.S.C. § 1313(c)(3) to (1) approve (including conditional approvals), (2) disapprove, or (3) defer action on state water quality standards adopted or revised by a state that include WER adjustments for copper criteria. This includes water quality standards that contain (1) site-specific copper criteria based on a WER and/or (2) procedures that allow copper criteria to be adjusted on a site-specific basis for individual NPDES permittees based on the subsequent development of a WER.
- Any letter or other communication to a state (or state agency or official) transmitting EPA’s comments on *draft* water quality standards that include WERs for any copper criteria.
- Any letter or other communication approving, disapproving, or commenting on an NPDES permit issued by, or proposed to be issued by, a state that includes any site-specific permit limits for copper derived using a WER adjustment.

Relevant Time Period. This request applies to records created or communicated on or after July 20, 2006.

Costs. If there are any costs for fulfilling this request, you are authorized to incur up to \$250 in costs. In the event that the cost of meeting this request is greater than \$250, please incur up to \$250 in initial costs and then notify me that there are additional records to be obtained and provide an estimate of the cost to obtain all additional records sought by this request and not captured in the initial \$250 limit.

Records Claimed as Exempt. Should EPA respond by invoking a FOIA exemption with respect to any of the records requested herein, please include in your response a privilege log (1) identifying the basic factual material about the withheld item, including author/originator, date created/revised, length, general subject matter, and location; and (2) explanation(s) and justification(s) for withholding of record, including identification of claimed exemption and a full explanation of applicability of claimed exemption to the requested record. Where only a portion of a record is exempt from disclosure, please redact the exempt portion and provide the remainder of the record.

Records Delivery. Please produce the records requested herein on a rolling basis as they become available to:

Justin Curtis
AquaLaw PLC
6 South 5th Street
Richmond, Virginia 23219

If electronic delivery is more convenient, the requested records may be sent by email to Justin@AquaLaw.com or delivered on compact disk or other common storage media.

If you have questions or require additional information concerning this request, please contact me by phone (804.716.9021 x206) or email (Justin@AquaLaw.com). I appreciate your assistance in this matter.

Sincerely,



Justin W. Curtis